REMARKS

Claims 1-9 are pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakajima (U.S. Patent Publication No. 2002/0093682) in view of Sakamoto (JP Publication No. 2001-111928). These rejections are respectfully traversed.

Notwithstanding, in order to expedite prosecution of the present application, Applicants have elected to amend independent Claim 1 in order to more fully distinguish the present application. Independent Claim 1 has been amended to recite a printer able to select and print arbitrary image data among plural image data recorded to a recording medium together with a making date having an image data selecting section that "retrieves whether automatic printing information for automatically printing the image data selected in advance is recorded on the recording medium, selects the selected image data from the automatic printing information as image data for printing when the automatic printing information is recorded, and compares making dates of the plural image data and selects at least one image data starting from image data having a newest making date as image data for printing when the automatic printing information is not recorded." Independent Claim 1 has been amended to further recite, "wherein the printer automatically prints image data selected by the image data selecting section." Independent Claims 4 and 6 have been amended to incorporate at

least some similar features. Applicants respectfully submit that, at a minimum, the proposed combination fails to teach or suggest these elements.

As mentioned above, the Examiner primarily relies on Nakajima, however, at a minimum, Nakajima fails to teach or suggest a printer as called for by independent Claim 1. Although Nakajima discloses a printer embodiment, Nakajima fails to teach or suggest image data selecting section as recited in Claim 1 of the present application. In fact, Nakajima teaches away from the recited printer. As mentioned previously, the present invention calls for a printer that automatically prints image data selected by the image data selecting section. In other words, regardless of whether the image data is selected based on the automatic printing information or the image data is selected based on having newest making date, the selected print data is automatically printed as image data by the printer of Claim 1.

In contrast, the printer embodiment of Nakajima operates such that "[w]hen the memory card 109 that is connected to the IF section 202, and an 'automatic print' key (not shown) on a print operation section 203 is depressed, a print data analysis section 204 analyzes various data that are inputted from the memory card 109 through the IF section 202, and image data is outputted to an image processing section 205 and automatic print data is outputted to a printer control section 206. In other words, Nakajima requires an additional input (e.g., depressing the alleged "automatic print key") in order to eventually print the automatic print data. Therefore, Nakajima teaches away from a printer that automatically prints image data selected by the image data selecting section as taught by independent Claim 1.

Furthermore, the Examiner has conceded that "Nakajima '682 fails to teach when said automatic printing information is not recorded, the making dates of the plural image data are compared and the newest image data is printed" (Office Action, page 3).

Sakamoto fails to remedy the shortcomings of Nakajima. The Examiner asserts that Sakamoto discloses the making dates of the plural image data are compared and the newest image is printed. The Examiner further notes that Sakamoto teaches "the image newest by easy actuation can be outputted in a short time" (Office Action, page 3). As such, Applicants respectfully submit that a more accurate reading of the reference reveals that, like Nakajima, Sakamoto requires "actuation" (i.e., an additional input) to output the newest image. Therefore, although Sakamoto allows for image data to be sorted in order of date, in either ascending or descending order, Sakamoto fails to disclose, and in fact, teaches away from a printer as recited by the independent Claims (i.e., a printer that automatically prints image data selected by the image data) by demanding further input from a user to output image data.

Thus, Applicants believe independent Claims 1, 4, and 6 patentability distinguish over the cited art. Therefore, Applicants respectfully assert that independent Claims 1, 4, and 6 are patentably distinct from the combination proposed by the Examiner. As such, Applicants respectfully request that the 35 U.S.C. § 103(a) rejections against independent Claims 1, 4, and 6 and their respective dependent Claims be removed.

CONCLUSION

Based on the above remarks, Applicants respectfully submit that the claims are in condition for allowance. The Examiner is kindly invited to contact the undersigned attorney to expedite allowance.

Respectfully submitted,

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